

JEG:HLJ
F.#2010R00907

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-10-1389

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IN THE MATTER OF THE APPLICATION
FOR A SEARCH WARRANT FOR: ONE CHARCOAL
BLACKBERRY CURVE CELL PHONE BEARING IMEI
NUMBER 35502103255866 AND ONE BLUE
PANTECH CELL PHONE BEARING IMEI NUMBER
01192300015787.

AFFIDAVIT IN SUPPORT
OF SEARCH WARRANT

(T. 21, U.S.C., §§
841, 846, 952(a), 960
and 963)

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EASTERN DISTRICT OF NEW YORK, SS:

MIGUEL COLLAZO, being duly sworn, deposes and says that
he is a Special Agent with United States Department of Homeland
Security, Homeland Security Investigations ("HSI"), duly
appointed according to law and acting as such.

Upon information and belief, there is probable cause to
believe that there will be located within ONE CHARCOAL BLACKBERRY
CURVE CELL PHONE BEARING IMEI NUMBER 35502103255866 ("SUBJECT
TELEPHONE A") and ONE BLUE PANTECH CELL PHONE BEARING IMEI NUMBER
01192300015787 ("SUBJECT TELEPHONE B") (collectively, the
"SUBJECT TELEPHONES") electronically stored information,
including but not limited to voice messages, text messages,
videos, emails, names, addresses, telephone numbers, call logs
and other information relating to narcotics distribution, all of
which may constitute evidence, fruits, and instrumentalities of
violations of, among other statutes, Title 21, United States
Code, Sections 841, 846, 952(a), 960 and 963.

The source of my information and the grounds for my belief are as follows:^{1/}

1. I have been a Special Agent with the Department of Homeland Security for approximately three years. As a Special Agent, I have participated in narcotics distribution investigations. Through my training, education and experience as a Special Agent, I have become familiar with the manner in which narcotics are distributed, the techniques used by narcotics traffickers to commit their crimes, and the efforts of persons involved in such activity to avoid detection by law enforcement.

2. The statements contained in this affidavit are based in part upon my personal participation in the investigation and in part upon my conversations with other law enforcement agents.

3. Since approximately January 8, 2010, ICE agents have been working with a confidential informant (the "C/I") on an investigation into international narcotics trafficking. According to consensually recorded calls and e-mails, the C/I has been in contact with a woman in Colombia - known to the C/I as "Vanessa" - who has sent the C/I several packages containing narcotics.

4. On or about and between March 17, 2010 and March

¹ Because the sole purpose of this affidavit is to establish probable cause to search, I have not set forth a description of all the facts and circumstances of which I am aware with regard to the defendant.

27, 2010, Vanessa and the C/I discussed the delivery of two additional packages, one of which would be addressed to "Daniel Ramirez." On March 29, 2010, the C/I received a package addressed to "Daniel Ramirez" (the "Package"), which the C/I provided to law enforcement. Inside of the Package, investigators discovered narcotics secreted inside of a table runner.

5. On March 30, 2010, at approximately 11:30 a.m., according to a consensually recorded call, Vanessa told the C/I that he was to deliver the Package to a recipient in New York who could be contacted at (917) 225-7610. Vanessa also informed the C/I that the recipient was expecting the C/I's call. The C/I called (917) 225-7610 and spoke to a man, who was later identified as Juan Betancur, a Colombian national. During three telephone conversations, which were consensually monitored, the C/I and Betancur agreed to meet in Manhattan to exchange the Package for a sum of United States currency.

6. On March 30, 2010, at approximately 7:30 p.m., the C/I and Betancur met at the corner of 33rd Street and 10th Avenue in Manhattan. The C/I gave Betancur the Package and Betancur gave C/I \$500 in United States currency. Once the transfer was completed, Betancur was observed walking back to his vehicle. Federal agents then approached Betancur in his vehicle and placed him under arrest. During Betancur's arrest, agents saw a woman -

later identified as Claudia Murillo - sitting in the vehicle.

7. At the time of Betancur's arrest, agents recovered the Package and the SUBJECT TELEPHONES, among other items, from his vehicle. Betancur has since been indicted for narcotics trafficking and is awaiting trial. See United States v. Juan Betancur, 10 CR 348 (SLT).

8. Subsequent to the reading of his Miranda warnings, Betancur waived his rights and stated, in sum and substance, that (a) Claudia Murillo was his wife, (b) he had used her phone to arrange to pick up the Package in Manhattan, (c) he knew that the Package contained narcotics, and (d) SUBJECT TELEPHONE B was his cell phone.

9. Investigators subpoenaed telephone records connected to telephone number (917) 225-7610. The subscriber information revealed that the account associated with (917) 225-7610 belonged to Claudia Murillo.

10. Based on my training and experience, every cell phone bears an International Mobile Equipment Identity ("IMEI") number, which is a unique number that identifies the device and is normally found printed inside the battery compartment of the phone. Based on the telephone records for (917) 225-7610, the IMEI number of the phone that was used to communicate with the C/I is 35502103255866, which is the IMEI number found on SUBJECT TELEPHONE A.

11. Based upon telephone records, the phone number registered to Betancur is (917) 582-6133. Investigators subpoenaed toll records associated with (917) 582-6133 and discovered that (a) on March 30, 2010, at approximately 10:45 a.m., two calls were placed from a telephone number in Colombia to (917) 582-6133 and (b) in the two days after Betancur's arrest, there were 36 calls placed from telephone numbers in Colombia to (917) 582-6133. Further, based upon the telephone records, the IMEI number associated with (917) 582-6133 was 01192300015787, which is the IMEI number found on SUBJECT TELEPHONE B.

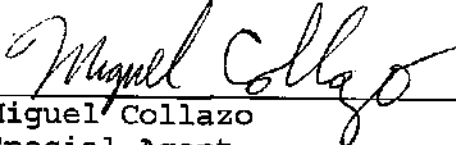
11. On November 17, 2010, the SUBJECT TELEPHONES were delivered to the United States Attorney's Office in the Eastern District of New York in Brooklyn, New York in order to prepare for trial, which is scheduled to begin on December 6, 2010.

12. In my experience, individuals who are part of a conspiracy to distribute narcotics, as Betancur appears to be, typically use cell phones to communicate with co-conspirators and to store related contact information. In fact, Betancur used SUBJECT TELEPHONE A in this case to coordinate the exchange of cash for narcotics with the C/I and the telephone records demonstrate that there is probable cause to believe that Betancur used SUBJECT TELEPHONE B to communicate with other co-conspirators. Based on the above-described facts, I submit that

there is probable cause to believe that the SUBJECT TELEPHONES contain records of incoming and outgoing telephone calls, missed calls, stored voice mail messages, text messages, emails, and an electronic organizer containing the names, addresses and telephone numbers of individuals involved in Betancur's criminal activities.

WHEREFORE, I respectfully request that search warrant issue allowing United States Immigration and Customs Enforcement Agents and other federal agents, with proper assistance from other law enforcement officers, to do the following: search, gain access to, and retrieve from ONE CHARCOAL BLACKBERRY CURVE CELL PHONE BEARING IMEI NUMBER 35502103255866 and ONE BLUE PANTECH CELL PHONE BEARING IMEI NUMBER 01192300015787 electronically stored information, including but not limited to voice messages, text messages, videos, emails, names, addresses, telephone (917) 582-6133s, call logs, and other information relating to narcotics distribution, all of which may constitute evidence, fruits, and

instrumentalities of violations of, among other statutes, Title 21, United States Code, Sections 841, 846, 952(a), 960 and 963.



Miguel Collazo
Special Agent
Immigration and Customs Enforcement

Sworn to before me this
22th day of November, 2010

THE HONORABLE ROANNE MANN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK